

IN RE: PETITIONS FOR SPECIAL HEARING & \* BEFORE THE  
ZONING VARIANCE \* ZONING COMMISSIONER  
S/S Joppe Rd., 600 ft. E of \* OF BALTIMORE COUNTY  
c/1 of Satyr Hill Road \*  
Satyr Hill Shopping Center \* Case No. 93-176-SPHA  
9th Election District  
6th Councilmanic District  
Legal Owner: Satyr Ltd. Partnership  
Contract Purchaser: Friendly  
Snowball, Inc., Petitioner

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

This matter comes before the Zoning Commissioner as a Petition for Special Hearing and Petition for Variance for the use of a certain portion of the property known as the Satyr Hill Shopping Center. As to the Petition for Special Hearing, the Petitioner seeks an amendment to the site plan previously approved in case Nos. 76-210-A and 76-242-A. Under the Petition for Variance, relief is sought from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 10 ft. front yard setback, in lieu of the required average setback of 81.5 ft. All of the relief requested and the use on the subject property is more particularly shown on Petitioner's Exhibit No. 1, the plat to accompany the Petitions for Zoning Variance and Special Hearing.

Appearing in support of the Petitions was Robert E. Ellrich, President of Friendly Snowball, Inc., Lessee. Also appearing was Linda G. Schneider on behalf of the Legal Owner of the site, Satyr Limited Partnership. The Petitioner was represented by Douglas W. Biser, Esquire. Paul Lee, the Professional Civil Engineer who prepared the plan, also testified. There were no Protestants present.

Testimony and evidence offered was that the subject site is 5.25 acres and is split zoned B.L.-C.C.C., B.M.-C.S.-2 and D.R.S.5. As noted above,

the site is presently used to support a strip retail shopping center known as the Satyr Hill Shopping Center. Numerous retail and restaurant uses are operating on site and the property also contains a parking lot to support these uses.

Mr. Ellrich testified that the proposed use is filed on behalf of his company, the Friendly Snowball, Inc. This corporation operates a snowball stand on that portion of the site immediately adjacent to Joppe Road. Although the structure housing the snowball stand is permanent, it is not affixed to the parking lot and is movable. Mr. Ellrich requests the relief contained within the Petition so that his stand may continue operating at its present location.

Mr. Lee testified and explained the need for the variances. He noted that the adjoining uses, namely, a Maryland National Bank and a Jiffy Lube are significantly set back from Joppe Road. Because of the averaging requirements contained in Section 303.2 of the B.C.Z.R., the snowball stand must be set back 81.5 ft. from the property line. The Petition for Variance is filed so that the stand can continue operating at the present location. As Mr. Lee noted, if strict adherence to Section 303.2 was required, the snowball stand would be located in the center of the parking lot. Clearly, such a result would be inconvenient and adversely affect the traffic flow for all other tenants in the shopping center. Mr. Lee also noted the zoning history of the site including the special exception previously granted for a Texaco Service Station on the corner of the property and, in a later case, additional variances for that use. Mr. Lee also noted that the parking lot will be restriped in accordance with the configuration shown on Petitioner's Exhibit No. 1.

Section 307 of the B.C.Z.R. requires that an area variance may be granted where strict compliance with the zoning regulations would result in practical difficulty or unreasonable hardship. The standards for establishing practical difficulty have been set forth by the appellate courts of this State. See McLean v. Soley, 270 Md. 208 (1973) and Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the uncontradicted testimony presented that if the variance is granted, the proposed use at the location shown will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good. Further, strict adherence to the regulations would cause practical difficulty and unreasonable hardship upon the Petitioner, other tenants of the shopping center and the property owner. Due to the configuration of the center and the parking area, strict compliance with the regulations would result in a disruptive, internal parking/traffic pattern. Further, the extensive setback is required due to the peculiar placement and resulting setback of the neighboring uses. For these reasons, it is clear that the variance should be granted. Clearly, strict compliance with the requirements would unduly restrict the use of the land. In addition, the variance will not cause any injury to the public health, safety and general welfare and will be in strict harmony with the spirit and intent of the B.C.Z.R.

Although I am persuaded that the variance and special hearing should be granted for the reasons provided above, further comment is in order regarding the Zoning Plans Advisory Committee comments which were offered in this case. As to the Bureau of Traffic Engineering's comment, it is noted that the points raised therein relate to the Texaco Station and the previous special exception granted for that use. Thus, they are inapplica-

ble to the limited relief requested in the present Petition. Additionally, as to that comment offered by the Developers Engineering Division, it is to be emphasized that the snowball stand structure is movable. Although the Petitioner admits that the stand is a permanent fixture, the Petitioner acknowledged that the stand may need be moved if repairs are ever necessary to the eight inch sewer line which is located below grade. Therefore, a restriction shall be added to this Order acknowledging the Petitioner's responsibility in that event.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner of Baltimore County this 1st day of February 1993, that, pursuant to a Petition for Special Hearing, an amendment to the site plan previously approved in case Nos. 76-210-A and 76-242-A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Section 303.2 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 10 ft. front yard setback, in lieu of the required average setback of 81.5 ft., all in accordance with Petitioner's Exhibit No. 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
2. The snowball stand shall be located as shown on the plat to accompany the Petitions marked as Petitioner's Exhibit No. 1. The stand shall not

be permanently affixed to the parking lot surface so that same may be removed in the event repairs, replacement or other work need be performed to the sewer line which exists below grade and under the stand. The relief granted herein is specifically conditioned upon the Petitioner's acceptance of this restriction and the Petitioner's acknowledgement of his responsibility to move/relocate the stand as necessary.

LAWRENCE E. SCHMIDT  
Zoning Commissioner for  
Baltimore County

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 29, 1993

Douglas W. Biser, Esquire  
Suite 300  
105 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Petitions for Special Hearing and Variance  
Legal Owner: Satyr Ltd. Partnership  
Contract Purchaser: Friendly Snowball, Inc., Petitioner  
Case No. 93-176-SPHA

Dear Mr. Biser:

Enclosed please find a copy of the decision rendered in the above captioned matter. The Petitions for Special Hearing and Variance have been granted, with restrictions.

In the event any party finds the decision rendered unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmm  
encl.  
cc: Mr. Robert E. Ellrich  
1217 Dulaney Woods Road, 21030



## Petition for Variance

93-176-SPHA  
to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 302.2 of the B.C.Z.R. to permit a 10-foot front yard set back in lieu of the required average set back of 81.5 feet.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)  
1. Snow ball stand has been operated in its present location for ten years without difficulty.  
2. Tenant purchased snow ball stand last year without knowledge of any violations.  
3. Electric utility pole and meter are in permanent location next to snow ball stand.  
(See attached continuation sheet)  
Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser/Lessee:

Friendly Snowball, Inc.

(Type or Print Name)  
Signature Robert E. Ellrich, Pres.

1217 Dulaney Woods Road  
Cockeysville, Maryland 21030  
City and State

Attorney for Petitioner:

Douglas W. Biser

(Type or Print Name)  
Signature DW Biser

105 W. Chesapeake Avenue, #300  
Towson, Maryland 21204  
City and State

Attorney's Telephone No.: 828-1335

Legal Owner(s):

Satyr Limited Partnership

(Type or Print Name)  
Signature Linda G. Schneider

334 Cranbrook Road  
Cockeysville, Maryland 21030  
City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Address

Phone No.

ESTIMATED LENGTH OF HEARING - 1/2HR.

AVAILABLE FOR HEARING

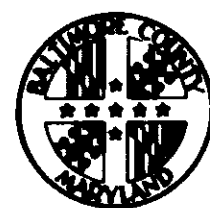
MON./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

RETURNED BY: mmk DATE 11/28/93

Petition for Variance (Continued)

- 93-176-SPHA
4. Permanent concrete footings and foundation are in place at present location.
  5. The relief requested complies with the spirit of B.C.Z.R., and the variance will not impact public safety or welfare.



# Petition for Special Hearing

to the Zoning Commissioner of Baltimore County

for the property located at SATYR HILL SHOPPING CENTER  
which is presently zoned CCCTB-CB-2  
DR-S-5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned, legal owner(s) of the property above in Baltimore County and which is described in the description and plat attached  
hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County,  
to determine whether or not the Zoning Commissioner should approve

to amend the site plan in cases 76-204 & 76-244

Property is to be posted and advertised as prescribed by Zoning Regulations.  
I, or we, agree to pay expenses of above Special Hearing advertising, posting, etc., upon filing of this petition, and further agree to and  
be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee

Friendly Snowball, Inc.

By: Linda G. Schneider

Signature of Linda G. Schneider

1217 Dulany Woods Road

Cockeysville, Maryland 21030

City State Zipcode

Attorney for Petitioner

Douglas W. Biser

Signature of Douglas W. Biser

105 West Chesapeake Avenue, #300

Towson, Maryland 21204

City State Zipcode

828-1335

Legal Owner(s)

Satyr Limited Partnership

By: Linda G. Schneider

Signature of Linda G. Schneider

General Partner

Signature

334 Cranbrook Road 666-7000

Cockeysville, Maryland 21030

City State Zipcode

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Paul L. P.B.

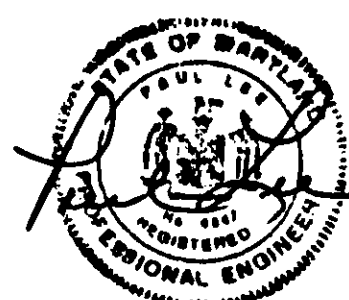
Paul L. Engineering Inc.  
300 W. Pennsylvania Ave.  
Towson, Maryland 21204  
410-251-5341

93-176-SPHA

DESCRIPTION

SATYR HILL SHOPPING CENTER  
SOUTHEAST CORNER JOPPA ROAD & SATYR HILL ROAD CUTOFF  
ELECTION DISTRICT 906  
BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the south side of Joppa  
Road, said point also being located South 70°26'13" East 60 feet ±  
from the center of Satyr Hill Road Cutoff; thence binding along  
the south side of Joppa Road (1) South 70°26'13" East 394.00 feet;  
thence by a curve to the left (2) R=1081.74 feet; L=46.20 feet;  
thence leaving said south side of Joppa Road (3) South 31°21'00" West  
594.06 feet, thence (4) South 67°15'33" West 144.82 feet to the  
east side of Satyr Hill Road Cutoff, thence binding on the east  
side of said Satyr Hill Road Cutoff by a curve to the left (5)  
R=475.00 feet, L=91.09 feet, thence (6) North 31°28'52" East 5.85  
feet, thence (7) North 25°16'50" West 117.21 feet, thence by a  
curve to the right (8) R=400.00 feet, L=316.14 feet, thence (9)  
North 20°00'11" East 194.75 feet, and North 64°44'25" East 50.01  
feet to the south side of Joppa Road and point of beginning.  
Containing 5.25 acres of land, more or less.



#184

Engineers - Surveyors - Site Planners

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

93-176-SPHA

District: 9th Date of Posting: 12/10/92  
Posted for: Special Hearing & Variance  
Petitioner: Satyr Limited Partnership, et al. Friendly Snowball, Inc.  
Location of property: 1217 Dulany Woods Road, Cockeysville, MD 21030  
Location of Sign: Posting at intersection of Satyr Hill Road & Joppa Road  
Remarks: Posting at intersection of Satyr Hill Road & Joppa Road  
Posted by: DMB/MLB Date of return: 12/17/92  
Number of Signs: 2

## CERTIFICATE OF PUBLICATION

TOWSON, MD. 12/10/92

THIS IS TO CERTIFY that the annexed advertisement was  
published in THE JEFFERSONIAN, a weekly newspaper published  
in Towson, Baltimore County, Md., once in each of 1 successive  
weeks, the first publication appearing on 12/10/92

THE JEFFERSONIAN,

S. Zeke Orlov

Publisher

\$96.02

Baltimore County  
Zoning Administration &  
Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

received

Account: R 931 6150

Number

Date

93-176-SPHA

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Department of Environmental Protection & Resource Management  
Development Review Committee  
Authorized signature: *[Signature]* Date: 12-28-92

Project Name	File Number	Waiver Number	Zoning Issue	Meeting Date
Baker Land Company				
DED DEPRM RP STP TE			200	12-21-92
Kenneth E. and Carol C. Lentz			201	12-21-92
DED DEPRM RP STP TE			202	12-21-92
Aubrey N. and Ruth N. Freeman			202	12-21-92
DED DEPRM RP STP TE				
COUNT 4				
Breakness Silver Hill, Inc.			180	12-21-92
DEPRM RP				
Satyr Limited Partnership			184	12-21-92
DEPRM RP				
Frank and Joan Eck			187	12-21-92
DEPRM RP				
Federal Realty Investment Trust			188	12-21-92
DEPRM RP				
Shirley A. and Ronda J. Swab			190	12-21-92
DEPRM RP STP				
COUNT 5				
FINAL TOTALS				
COUNT 17				
*** END OF REPORT ***				

Rec'd 12/14/92

BALTIMORE COUNTY, MARYLAND  
INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: December 14, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E., Chief  
Developers Engineering Division

RE: Zoning Advisory Committee Meeting  
for December 14, 1992  
Item No. 184

The Developers Engineering Division has reviewed the subject zoning item and apparently, the stand is located above an 8-inch sewer within a County drainage and utility easement. Since no permanent structures may be located in such areas, the stand must have no foundation below the parking lot pavement, and it must be sturdy enough such that it can be moved by County equipment without damage. This would be necessary in an emergency if the sewer were to clog. Ideally, the stand should be on wheels, or it should be moved outside of the easement.

RWB:DAK:s

Rec'd 12/16/92

Maryland Department of Transportation  
State Highway Administration93-176-92  
O. James Lighizer  
Secretary  
Hal Kassoff  
Administrator

Ms. Julie Winiarski  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 184 (MJK)  
Satyr Limited Partnership

Dear Ms. Winiarski:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact David Ramsey at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

David Ramsey 12/14/92  
John Contestabile, Chief  
Engineering Access Permits  
Division

RECEIVED  
DEC 7 1992

ZONING OFFICE

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

93-176 SPHA 1-7-93

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: December 16, 1992

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee  
(December 7, 1992)

The Office of Planning and Zoning has no comments on the following petition(s):

Friendly Snowball, Inc., Item No. 184

If there should be any further questions or if this office can provide additional information, please contact Francis Morsey in the Office of Planning at 867-3211.

Prepared by: *[Signature]*Division Chief: *[Signature]*

PK/PM:rdn

184.ZAC/ZAC1

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: December 10, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: December 7, 1992  
ITEM NUMBER: 184

- The proposed parking spaces adjacent to the existing fuel island are located too close to the island. The proposed 24 ft. travelways need to be reduced to 22 ft. wide each to improve the situation.
- Special exception limits approved in Case No. 93-109 must be shown.

*[Signature]*  
Rahee J. Famili  
Traffic Engineer II

RJP/WKL/lvd

Rec'd 12/16/92

Baltimore County Government  
Fire Department700 East Joppa Road Suite 901  
Towson, MD 21286-5500

DECEMBER 1, 1992

(410) 887-4500

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: SATYR LIMITED PARTNERSHIP  
Location: SATYR HILL SHOPPING CENTER  
Item No.: 184 (MJK) Zoning Agenda: DECEMBER 7, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *[Signature]* Noted and Approved  
Planning Group  
Special Inspection Division  
Fire Prevention Bureau

JP/REK

Rec'd 12/14/92

PLEASE PRINT CLEARLY

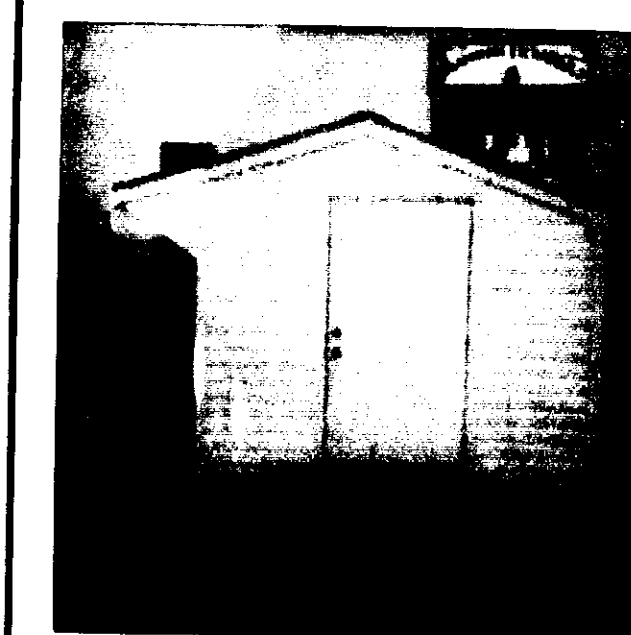
PETITIONER(S) SIGN-IN SHEET

NAME

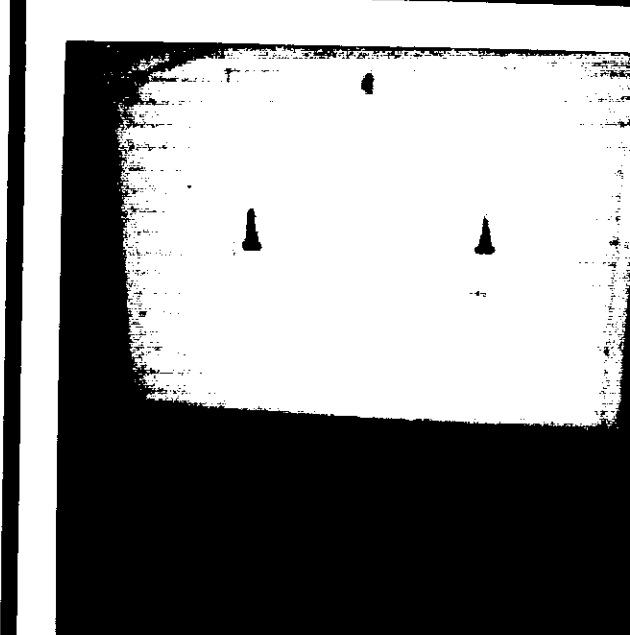
ADDRESS

Linda M. Schneider  
Paul H.  
Robert E. Ellrich  
Douglas W. Bizer atty for Peltier

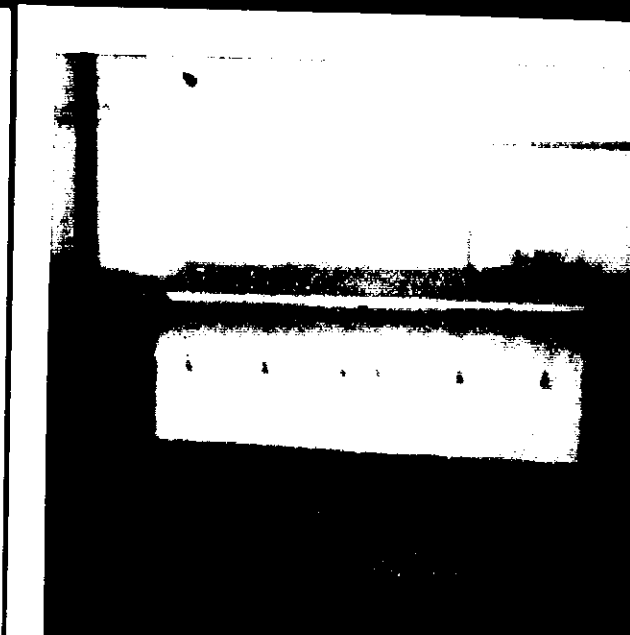
3341 Clarendon Rd. Pottersville 21030  
304 W. Leno Ave. 21030  
1217 Dulaney Woods RD 21030  
105 W. Ches. The Town MD



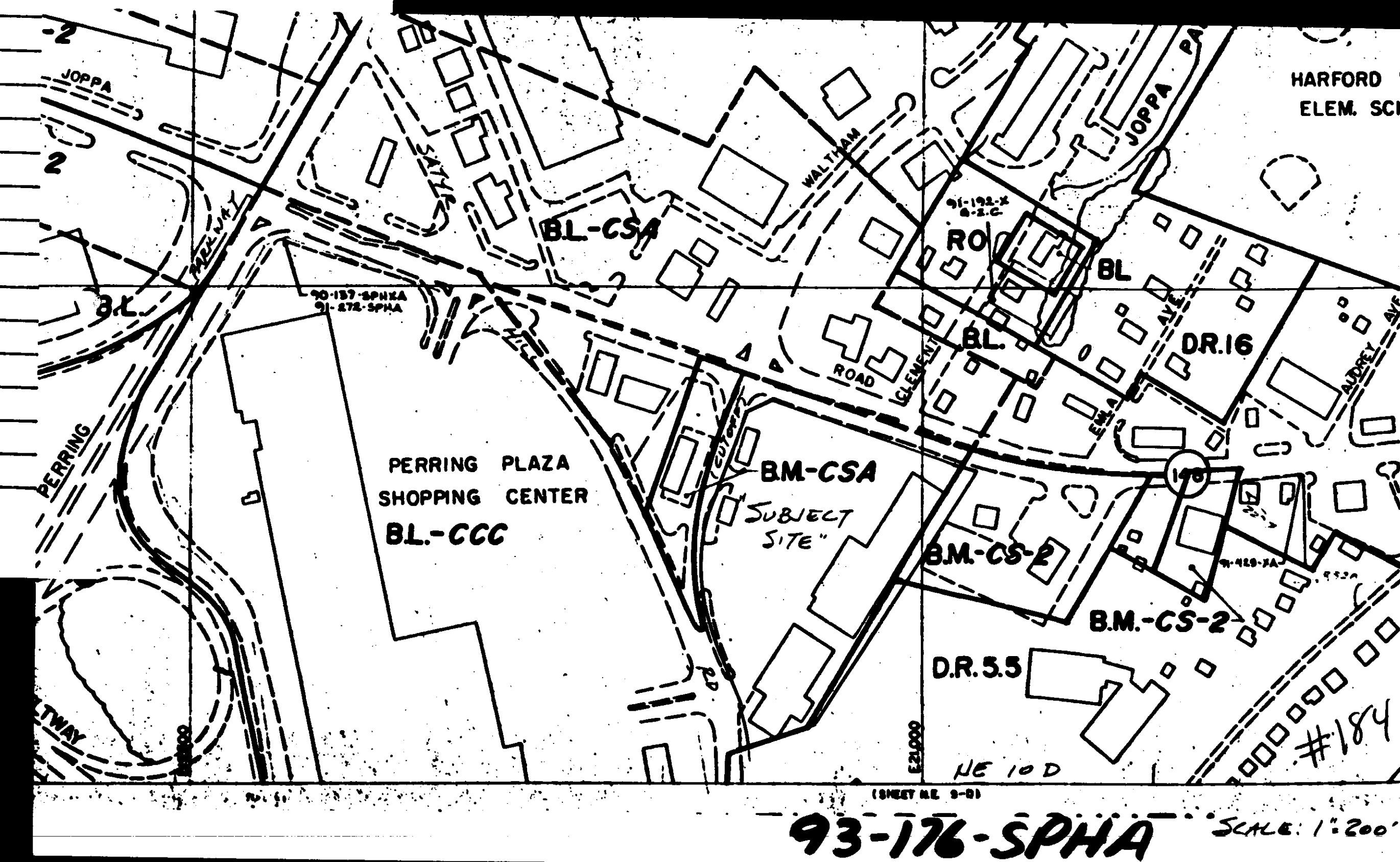
Pet 2A



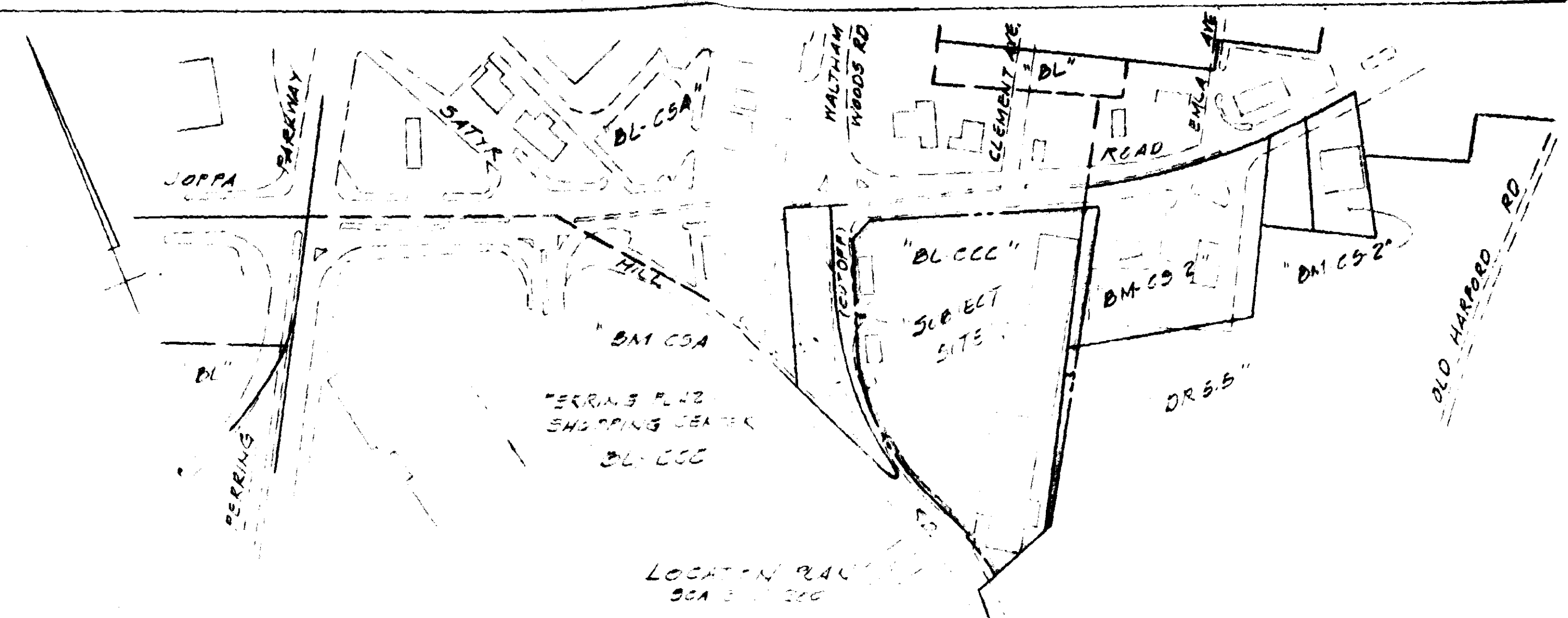
Pet 2B



Pet 2C







1. AREA OF SITE = 558 Acres
2. EXISTING ZONING OF SITE = "BL-CCC, BM-05-24 OR 5.5"
3. EXISTING USE OF SITE = SATYR HILL SHOPPING CENTER
4. PROPOSED ZONING OF SITE = "BL-CCC, BM-05-24 OR 5.5"
5. PROPOSED USE OF SITE = SHOPPING CENTER
6. REQUIRED OPEN SPACE = 11.35% (SEE PARAGRAPH 1)
7. EXISTING OPEN SPACE = 11.35% (SEE PARAGRAPH 1)
8. VARIANCE = 0.00%
9. REQUIRED PARKING SPACES = 2,075
10. EXISTING PARKING SPACES = 2,075
11. DEVELOPER TO PROVIDE PARKING SPACES SUFFICIENT TO PROVIDE FOR PUBLIC PARKING
12. FRONT YARD VARIANCE OF 10' IS GRANTED AND IN CASE 7% SIDE
13. FRONT YARD VARIANCE FOR HIGH STORES GRANTED AND IN CASE 7% SIDE
14. PETITIONER REQUESTING SPECIAL PERMIT TO AMEND SITE PLAN
15. PETITIONER REQUESTING A VARIANCE TO SECTION 303.2 OF THE BCCR TO PERMIT A 10' FRONT YARD SETBACK IN LIEU OF THE REQUIRED AVERAGE SETBACK OF 41.5' (A VAR OF 7.5')
16. PROPERTY SERVED BY PUBLIC UTILITIES

30 3057 - 1977 - 40  
 30 3057 - MARYL JAY LAT 241 - 117  
 1831  
 120/5 - 31.5

1. DUNKIN DONUTS \* (1750 SF @ 20/1,000) \* 35
2. SUNRISE CHINESE CARRY OUT (1750 SF @ 5/1,000 \* 8.75
3. FRIENDLY VIDEO \* (5,000 SF @ 5/1,000) \* 22.3
4. J.P.CO. HAIR CUT \* (1475 SF @ 3.3/1,000) \* 6.17
5. PIZZA - CARRY OUT \* (1875 SF @ 5/1,000) \* 6.38
6. OLAN MILLS STUDIOS \* (1125 SF @ 3.3/1,000) \* 3.71
7. ADEL'S HAIR DESIGN \* (1125 SF @ 3.3/1,000) \* 3.71
8. CRIB AND CRAPLE \* (17,515 SF @ 5/1,000) \* 87.56
9. J.J. AUTO PARTS \* (1700 SF @ 5/1,000) \* 8.55
10. SATYR HILL GOLF CLUB \* (10 TABLES & 11 TABLE - 5270 SF) - 10
11. FISHERMAN'S EXCHANGE REST. \* (5400 SF @ 20/1,000) \* 108
12. GOODYEAR TIRE \* (4434 SF @ 5/1,000) \* 22.17
13. HIGH 5 STORE \* (2000 SF @ 5/1,000) \* 10
14. PROF. SNOWBALL STAND \* (185 SF + 485 SF @ 5/1,000) \* 0.8

REQUIRED PARKING = 335.52 RS. + 536 RS

SPECIAL HEARING AND  
VARIANCE  
SNOWBALL STAND

ELECT. DIST. 906

SCALE: 1" = 50'

BALTIMORE COUNTY, MD.

AUG. 17, 1992

JAN. 6, 1993 per Traffic Comments

**PETITIONER'S  
EXHIBIT No 1**

PAUL LEE ENGINEERING, INC.  
304 W. PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204

